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NEW HAMPSHIRE

January 11, 2022

Essex Sheriff's Office
Civil Division

~~20 Manning St.~~ 25 Congress St.
~~Middleton, Ma. 01949~~ Salem 01970

Re: Drago v. Ryan Frias, et al
2277CV0015

Dear Madam/Sir:

Enclosed for filing please find a copy of the *Summons*, *Complaint* and *Tracking Order* for each of the following individuals:

1. Ryan Frias, @ SPD 95 Margin St., Salem,
2. John Gaudet, @ SPD 95 Margin St., Salem,
3. James Johnson, @ SPD 95 Margin St., Salem,
4. Dennis King @ SPD 95 Margin St., Salem,&
5. City Of Salem, Ma. Please serve Mayor Kimberley Driscoll @ 93 Washington St., Salem.

Please make returns to the office above with your invoice.


Should you have any questions please don't hesitate to call.

Thank you for your attention to this matter.

Very Truly Yours,

/s/ Paul Pappas
Paul Pappas, Esq.
/ll

Enc.

Summons	CIVIL DOCKET NO. <i>2277CV0015</i>	Trial Court of Massachusetts The Superior Court 
CASE NAME: <i>Karyn Drago</i> vs. <i>Ryan Frias, et al.</i> Plaintiff(s) Defendant(s)		Thomas H. Driscoll, Jr. Clerk of Courts Essex County COURT NAME & ADDRESS: Essex Superior Court - <i>56 Federal St</i> <i>Salem, MA 01970</i>

THIS SUMMONS IS DIRECTED TO *City of Salem, Ma.* (Defendant's name)

You are being sued. The Plaintiff(s) named above has started a lawsuit against you. A copy of the Plaintiff's Complaint filed against you is attached to this summons and the original complaint has been filed in the Court.

YOU MUST ACT PROMPTLY TO PROTECT YOUR RIGHTS.

1. You must respond to this lawsuit in writing within 20 days.

If you do not respond, the court may decide the case against you and award the Plaintiff everything asked for in the complaint. You will also lose the opportunity to tell your side of the story. You must respond to this lawsuit in writing even if you expect to resolve this matter with the Plaintiff. **If you need more time to respond, you may request an extension of time in writing from the Court.**

2. How to Respond.

To respond to this lawsuit, you must file a written to response with the court and mail a copy to the Plaintiff's Attorney (or the Plaintiff, if unrepresented). You can do this by:

a) Filing your **signed original** response with the Clerk's Office for Civil Business, *Superior* Court
56 Federal St. Salem 01970 (address), by mail or in person **AND**

b) Delivering or mailing a **copy** of your response to the Plaintiff's Attorney/Plaintiff at the following address:

280B Merrimack St., Methuen 01844

3. What to Include in Your Response.

An "Answer" is one type of response to a Complaint. Your Answer must state whether you agree or disagree with the fact(s) alleged in each paragraph of the Complaint. Some defenses, called affirmative defenses, must be stated in your Answer or you may lose your right to use them in court. If you have any claims against the Plaintiff (referred to as **counterclaims**) that are based on the same facts or transaction described in the Complaint, then you must include those claims in your Answer. Otherwise, you may lose your right to sue the Plaintiff about anything related to this lawsuit. If you want to have your case heard by a jury, you must **specifically** request a jury trial in your court no more than 10 days after sending your Answer.

TRUE ATTEST COPY

DEPUTY SHERIFF

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

SUPERIOR COURT

2277CV0015

KARYN DRAGO)

V.)

RYAN FRIAS, JOHN GAUDET,)
JAMES JOHNSON, DENNIS KING)
SALEM POLICE DEPARTMENT,)
CITY OF SALEM, MA.)

COMPLAINT

NOW COMES the plaintiff, by and through her attorney, and complains against the
defendants as follows:

PARTIES

1. Karyn Drago resides as 35 Perley St., Methuen, Ma. 01844.
2. Ryan Frias is a police officer employed by the City Of Salem, Ma.
3. John Gaudet is a lieutenant officer employed by the City Of Salem, Ma.
4. James Johnson is a police officer employed by the City Of Salem, Ma.
5. Dennis King is a lieutenant officer employed by the City Of Salem, Ma.
6. The Salem Police Department, 95 Margin St., Salem, Ma., is a department/agency of the City Of Salem, Ma.
7. The City of Salem, Ma., 93 Washington St., Salem, Ma., is a governmental entity, a public employer and respondeat superior for Officers Frias and Johnson & Lieutenants Gaudet

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ESSEX SUPERIOR COURT
2022 JAN 10 PM 2:15

and King.

DISPUTES

A. January 17, 2019 arrest

8. On January 17, 2019, Amanda Coco made complaints to Officer Ryan Frias and the Salem Police Department against her mother, Karyn Drago, for (a) domestic assault *MGL c. 265:13A*, (b) threats to commit a crime [*c. 275:2-4*] and (c) criminal harassment [*c. 265:43A*].

9. The complaints were based upon emails received by Ms. Coco allegedly from Karyn Drago at karynhoff1234@gmail.com. Ms. Drago never had or used such an email address. She never used the name Karyn Hoff. A subsequent inquiry with Gmail revealed that Amanda Coco was the owner of karynhoff1234@gmail.com. Amanda created the offensive emails and sent them to herself at Amandagetshell87@gmail.com.

10. The Salem Police Department did not investigate the ownership of karynhoff1234@gmail.com account with Gmail, accepted Ms. Coco's statement that Ms. Drago sent the emails to Ms. Coco and issued an arrest command to Methuen Police Department for Karyn's apprehension.

11. Ms. Drago was arrested on said date by the Methuen Police Department for said complaints and arraigned in the Salem District Court on January 18, 2019 (docket #1936CR0116) on criminal harassment and threat to commit crime. After her arrest, no police officer asked Ms. Drago if she owned the email account - karynhoff1234@gmail.com.

12. Ms. Coco obtained a restraining order against Ms. Drago on January 18, 2019.

13. Ms. Drago was held in custody for one day as a direct result of the failure of Officer Ryan Frias, Lieutenant John Gaudet – supervisor of Officer Frias, the Salem Police Department and the City of Salem, Ma. to investigate the true owner of karynhoff1234@gmail.com.

14. The charges against Ms. Drago were nolle-prossed by the City of Salem on May 9, 2019.

B. February 2, 2019 arrest

15. On February 2, 2019, Amanda Coco made complaints to Officer James Johnson at the Salem Police Department that Ms. Drago violated the restraining order and intimidated Ms. Coco.

16. The complaints were based upon emails received by Ms. Coco allegedly from Karyn Drago at karynguillette61@gmail.com. Ms. Drago never had or used such an email address. She never used the name Karyn Guillette. A subsequent inquiry with Gmail revealed that

Amanda Coco was the owner of karynguilette61@gmail.com. Amanda created the offensive emails and sent them to herself at Amandagetchell87@gmail.com.

17. Officer James Johnson, Lieutenant Dennis King – supervisor of James Johnson, and the Salem Police Department did not investigate the ownership of karynguilette 61@gmail.com account with Gmail, accepted Ms. Coco's statement that Ms. Drago sent the emails to Ms. Coco and issued an arrest command to Methuen Police Department for Karyn's apprehension. She was held in a jail cell for two days.

18. Ms. Drago was arrested on February 2, 2019 by the Methuen Police Department for said complaints and arraigned in the Salem District Court on February 4, 2019 (docket #1936CR0232) for witness intimidation (2 counts) and violation of c. 209A order (2 counts). After arrest, no police officer asked Ms. Drago if she owned the email account – karynguilette61@gmail.com.

19. The charges against Ms. Drago were nolle-prossed by the City of Salem on May 9, 2019.

COUNT 1

20. The plaintiff hereby realleges and adopts herein, as if originally pled, paragraphs 1-19 above.

The defendants – Ryan Frias, John Gaudet, the Salem Police Department and the City of Salem, Ma. owed a duty of care to Ms. Drago to protect her from an unreasonable search and seizure per the *Fourth Amendment* to the *US Constitution* and *Article XIV* of the *Massachusetts Declaration of Rights*.

21. Said defendants breached that duty of care to protect her from an unreasonable seizure by authorizing her arrest on January 17, 2019 and filing criminal charges against her without confirming the identity of karynhoff1234@gmail.com.

22. As a direct result of said breach, Ms. Drago lost her liberty for one day, suffered emotional distress, unnecessary expense, including attorney fees, in defending against the criminal charges.

COUNT II

23. The plaintiff hereby realleges and adopts herein, as if originally pled, paragraphs 1-19 above.

24. The defendants – Officer James Johnson, Lieutenant Dennis King – supervisor to James Johnson, and the Salem Police Department and the City of Salem, Ma. owed a duty of care to

Ms. Drago to protect her from an unreasonable search and seizure per the *Fourth Amendment* to the *US Constitution* and *Article XIV* of the *Massachusetts Declaration of Rights*.

25. Said defendants breached that duty of care to protect her from an unreasonable seizure by authorizing her arrest on February 2, 2019 and filing criminal charges against her in court without confirming the ownership of karynguillette61@gmail.com.

26. As a direct result of said breach, Ms. Drago lost her liberty for two days, suffered emotional distress, unnecessary expense, including attorney fees, in defending against the criminal charges.

plaintiff demands trial by jury.

WHEREFORE, the plaintiff prays for the following relief:

- A. Grant judgment in Ms. Drago's favor on both counts.
- B. Order the defendants to reimburse Ms. Drago for her 3-day loss of liberty, emotional distress, attorney fees and expenses.
- C. Order such other relief as the court deems meet and just.

Respectfully Submitted,
Karyn Drago,
By her attorney,

January 10, 2022

/s/ Paul W. Pappas
Paul W. Pappas, Esq.
280B Merrimack St.
Methuen, Ma. 01844
978.686.9000 x17
#549528
Pappas3858@yahoo.com

CIVIL TRACKING ORDER
(STANDING ORDER 1- 88)

DOCKET NUMBER

2277CV00015

Trial Court of Massachusetts
The Superior Court

CASE NAME: Karyn Drago vs. Ryan Frias et al	Thomas H. Driscoll, Jr., Clerk of Courts
TO: Paul W Pappas, Esq. 280B Merrimack St Methuen, MA 01844	COURT NAME & ADDRESS Essex County Superior Court - Salem J. Michael Ruane Judicial Center 56 Federal Street Salem, MA 01970

TRACKING ORDER - A - Average

You are hereby notified that this case is on the track referenced above as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

STAGES OF LITIGATION**DEADLINE**

	SERVED BY	FILED BY	HEARD BY
Service of process made and return filed with the Court		04/11/2022	
Response to the complaint filed (also see MRCP 12)		05/10/2022	
All motions under MRCP 12, 19, and 20	05/10/2022	06/09/2022	07/11/2022
All motions under MRCP 15	03/06/2023	04/05/2023	04/05/2023
All discovery requests and depositions served and non-expert depositions completed	01/01/2024		
All motions under MRCP 56	01/30/2024	02/29/2024	
Final pre-trial conference held and/or firm trial date set			06/28/2024
Case shall be resolved and judgment shall issue by			01/09/2025

The final pre-trial deadline is not the scheduled date of the conference. You will be notified of that date at a later time.

Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.

This case is assigned to

DATE ISSUED 01/10/2022	ASSISTANT CLERK Jose Mejia	PHONE (978)825-4800
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